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8 Standby counsel for defendant  
9 MICHAEL PATRICK McELHINEY

lodged  
Order  
CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

2006 APR 12 PM 2:03  
*[Signature]*

FILED

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 MICHAEL PATRICK McELHINEY,  
14 Defendant.

Case No. CR-02-938-GHK

REQUEST TO BE RELIEVED AS  
CJA STANDBY COUNSEL FOR  
PRO SE DEFENDANT MICHAEL  
McELHINEY; DECLARATION OF  
DARLENE RICKER

[PROPOSED] ORDER  
LODGED

Judge: Hon. George H. King  
Time/Date: N/A

19 Darlene Ricker, CJA standby counsel for *pro se* defendant Michael  
20 McElhiney, requests that she be relieved from the representation. This request is  
21 based upon the attached declaration of Darlene Ricker and the concurrently filed  
22  
23 “Consent by Michael Patrick McElhiney to the Withdrawal of Counsel.”

25 DATED: April 12, 2006

Respectfully submitted,

*dm ricker*

DARLENE RICKER  
Standby counsel for M. McElhiney

26  
27  
28 REQUEST TO BE RELIEVED AS STANDBY COUNSEL FOR DFT McELHINEY



## DECLARATION OF DARLENE RICKER

I, DARLENE RICKER, state and declare as follows:

1. I am an attorney licensed to practice law in the state of California and before the bar of this Court. All of the facts stated herein are true of my personal knowledge or upon belief and information and if called upon to testify thereto, I could and would do so competently.
2. This declaration is made in support of the attached Request to be Relieved as CJA Standby Counsel for Defendant Michael McElhiney (“Mr. McElhiney”).
3. On April 15, 2003, I was appointed as CJA standby counsel for Mr. McElhiney, who is a *pro se* defendant.
4. On September 7, 2004, James Bisnow was appointed as CJA learned (capital) advisory counsel for Mr. McElhiney. Since that time, Mr. Bisnow has assumed full responsibility for assisting Mr. McElhiney with preparation for both phases of trial (guilt and penalty).
5. Mr. McElhiney’s trial is set to begin in six months. I recently inquired about Mr. McElhiney’s anticipated pretrial and trial needs with regard to my role as standby counsel. After such inquiry, I

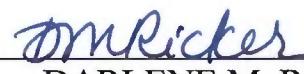
**REQUEST TO BE RELIEVED AS STANDBY COUNSEL FOR DFT McELHINEY**

1 concluded, and Mr. McElhiney concurred, that this is an appropriate  
2 juncture for me to be relieved from the representation.  
3

4 6. Mr. McEhiney has provided written consent in support of my request  
5 to be relieved. See, "Consent by Michael Patrick McElhiney to the  
6 Withdrawal of Counsel" [filed concurrently].  
7

8 7. Based on the foregoing, I respectfully request that my appointment as  
9 CJA standby counsel be terminated and that I be relieved as standby  
10 counsel for Mr. McElhiney.  
11  
12

13 Executed this 12th day of April, 2006, under penalty of perjury of the  
14 laws of the United States of America, at Malibu, California.  
15

16   
17 DARLENE M. RICKER  
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## PROOF OF SERVICE

I, Karen Van Hoepen, declare that: I am employed in Los Angeles County, California; my business address is P.O. Box 2285, Malibu, California 90265; I am over the age of eighteen years; I am not a party to the above-entitled action; I am employed by a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy of the attached:

**“REQUEST TO BE RELIEVED AS CJA STANDBY COUNSEL FOR PRO SE  
DEFENDANT MICHAEL McELHINEY; DECLARATION OF DARLENE RICKER”**

on the following individual(s), addressed as follows, by placing same in a sealed envelope for collection and mailing via the United States Post Office at Malibu, California, with sufficient first-class postage attached, on April 12, 2006:

**SEE ATTACHED SERVICE LIST**

This proof of service is executed at Malibu, California, on April 12, 2006.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Karen van Hoepen

KAREN VAN HOEPEN

1 ATTACHMENT

2 UNITED STATES v. BARRY BYRON MILLS, et al.  
3 No. CR 02-938-GHK

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